

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Acknowledgement of Foreign Priority:

The Examiner is respectfully requested to acknowledge the claim to foreign priority presented in this application. Specifically, Applicant claims priority to Japanese Patent Application 2001-049901, filed February 26, 2001 and Japanese Patent Application 2001-393071, filed December 26, 2001. This claim to foreign priority was made in the ADS, and certified copies of the foreign application were submitted with the filing of the application. Public PAIR acknowledges the claim to foreign priority, but the Examiner has not yet indicated that this claim is acknowledged.

Prior Art Rejections:

Claims 1-23 and 35-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0068585 to Chan et al. (hereinafter "Chan"). Further, claims 1-23 and 25-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,332,127 to Bandera et al. (hereinafter "Bandera"). These rejections are traversed for at least the reasons given below.

Claims 1-23 and 35-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chan. Chan was filed on December 3, 2001. Thus, Chan is not a valid reference under 35 U.S.C. § 102(e). Specifically, Japanese Patent Application 2001-049901, filed February 26, 2001, teaches the subject matter of the invention as claimed. For example, Figure 3 of Japanese Patent Application 2001-049901 teaches an Action Log Database, identical to the Figure 3 of the instant invention as filed. In fact, Figures 1-13 of Japanese Patent Application 2001-049901, filed February 26, 2001, are identical to Figures 1-13 of the instant invention as filed. Figures 1-13 clearly give support to the independent claims of the invention, and thus the usage of Chan to reject these independent claims is improper, because Chan has a filing date (12/3/01) after the effective filing date of the subject matter of the

independent claims (2/26/01). Thus, reconsideration and withdrawal of this rejection is respectfully requested.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Claims 1-23 and 26-28 are rejected under 35 U.S.C. § 102(a) as being anticipated by Bandera. Independent claim 1, which recites a mobile marketing server which takes into account “positional information of the processing target user terminal and amount of time at which said processing target user terminal existed at said position.” Independent claims 10, 22 and 26 recite analogous features. This is in stark contrast to Bandera, which only takes into account only location and/or time of day, rather than amount of time spent at the location (column 2, lines 47-49; column 2, lines 58-61; column 3, lines 5-12; column 3, lines 31-34). There is no teaching or suggestion in Bandera that the promotion or advertisement delivered to the user terminal is based upon amount of time spent at the location of the user terminal. Bandera teaches that an advertisement object can be selected based on the time of day a user request is received (column 7, lines 41-52).

However, this is not equivalent, or even similar to, generating content to distribute to a user terminal while taking into account the amount of time in which a user stays in a specific position. For example, Bandera teaches that content relating to breakfast is sent during breakfast hours (6 AM to 9 AM) (i.e. based upon time of day). However, the invention as filed could, for example, send information regarding the user’s favorite breakfast restaurant (i.e. based upon time of day AND the amount of time the user spends at different restaurants in the morning). There is a distinct difference here, in that the invention as filed can send much more user-specific information, because it takes into account the amount of time a user spends in a location, rather than just the exact time of day in a specific location where the user is.

Thus, Bandera fails to teach all of the features of the independent claims, specifically failing to teach a mobile marketing server which takes into account “positional information of

the processing target user terminal and amount of time at which said processing target user terminal existed at said position.” Thus, if this rejection is maintained, the Examiner is respectfully requested to point out where this feature is found in Bandera.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

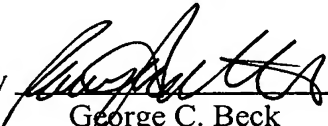
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 5, 2007
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

By 
George C. Beck
Attorney for Applicant
Registration No. 38,072

Ramya Ananthanarayanan
Agent for Applicant
Registration No. 59,597